

Remarks

Claims 1-7 are presently pending. Claims 1-7 have been rejected.

The specification and claims 1-7 have been formally amended for purposes of consistency and clarification. These amendments introduce no substantive changes into the claims and are supported throughout the original specification of this application. Hence, no new matter has been introduced by these amendments.

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a) and asserts that the drawings must show every feature of the inventions defined by the claims. The Examiner contends that the rear panel attached to the finger portion of claim 1 must be illustrated in the drawings or cancelled from the claims. Furthermore, the Examiner asserts that no new matter should be introduced, a proposed drawing correction is required in response to the Office Action in order to avoid abandonment of the application and the objection will not be held in abeyance.

Enclosed please find a proposed replacement drawing sheet of Figures 1 and 2. As required by the Examiner, Figure 1 clearly illustrates that the rear panel 20R attaches to the fingers 18, as recited in amended claim 1. Reference

numbers 11, 13 and 15 indicate the points of attachment of the rear panel 20R to the index, middle and ring fingers 18 respectively. Also, continuous interior 17 has been labeled in Figure 1. Figures 1-5 now depict all of the limitations of amended claims 1-7.

Reconsideration and withdrawal of the objection are respectfully requested.

The Examiner has objected to claim 5. The Examiner contends that "of" should be inserted after "plurality" in line 2 of claim 5.

Claim 5 has been amended and the entire phrase to which the Examiner objects has been deleted. Hence, the Examiner's objection to claim 5 has been obviated.

Reconsideration and withdrawal of the objection are respectfully requested.

The Examiner has rejected claims 1 and 3 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,393,614 B1 to Eichelbaum ("Eichelbaum"). The Examiner asserts that Eichelbaum substantially discloses the claimed invention. The Examiner contends that Eichelbaum teaches a glove 100 for use while eating comprising a wrist portion 12, a palm portion 19 and five finger portions 16. The Examiner

states that the glove includes a first pocket 20 on the palm portion 19 and may also include additional pockets as illustrated in the mitten of Figure 7. In addition, the Examiner maintains that, in this embodiment, the first pocket 30 serves as the rear panel while the second pocket 90 serves as the front panel and includes a top opening extending across the finger portion and a bottom seam extending across the palm portion. The Examiner also argues that the pocket is capable of accommodating a food item that is partially exposed at the top opening.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

A rejection of a claim under 35 U.S.C. § 102(e) must anticipate each and every element of the claim in order for it to be proper. Eichelbaum fails to disclose each and every element claimed by the Applicant. Thus, the Examiner's rejection of claims 1 and 3 as anticipated by Eichelbaum is improper.

Eichelbaum discloses a disposable glove 100 for carrying a sanitary item 40 in a first pocket 20 or a second pocket 30. First pocket 20 is positioned on a palm side 19 of glove 100 while second pocket 30 is located on the back side of glove 100. Glove 100 includes a glove body 11 with an open end 12, adjoining finger portions 16 and a thumb

portion 18. Also, a ziplock-type releasable closure 13 is preferably located adjacent to open end 12 and is operable only when glove 100 is turned inside out. First pocket 20 can be utilized to store an unused sanitary item 40 until needed and to store a used sanitary item 40 in preparation for disposal. A pocket sealing closure 22 permits sealing of sanitary item 40 into first pocket 20 or second pocket 30. For larger items such as sanitary napkins 70, glove 100 is preferably in the shape of a mitten 150. Mitten 150 has a glove body 60 with a palm portion 61, a finger portion 64 and a thumb portion 66. A ziplock-type releasable closure 62 is present about the open end 68 of mitten 150, which has a first pocket 20 and a second pocket 30. One or more additional pockets 90, which are appropriately sized to carry items such as lotion or medication, may be secured to glove 100 or mitten 150. Side loops 92 may be located adjacent to the thumb portion and little finger portion of glove 100 or mitten 150.

Eichelbaum does not teach all of the elements of amended claim 1. Specifically, Eichelbaum does not disclose a pocket that a) has a top opening that extends across the finger tips or b) envelops at least one of the fingers. Eichelbaum provides a glove 100 that has a first pocket 20 and a second pocket 30, both of which have top openings that are located well below finger portion 16. Mitten 150 has a first pocket 20, a second pocket 30 and additional desired

pockets 90. There is no indication in Eichelbaum that the top openings of any of these pockets extend across the tips of finger portions 16 and 64 respectively. Moreover, Eichelbaum does not teach that any of the pockets envelops at least one of the fingers in finger portion 16 of glove 100 or finger portion 64 of mitten 150. Thus, Eichelbaum does not disclose the glove of amended claim 1. Claim 3 depends indirectly from claim 1 and therefore contains all of its limitations. Consequently, claims 1 and 3 are patentably distinct from the cited reference.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection under 35 U.S.C. § 102(e) of claims 1 and 3, and enter the allowance thereof.

The Examiner has rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Eichelbaum. The Examiner acknowledges that Eichelbaum does not teach that the top opening of the pocket extends immediately below at least two of the finger tips. However, the Examiner contends that the specification of the present application does not disclose the criticality of this location of the top opening. The Examiner asserts that this position is obvious because it would enable a user to easily access an object placed within the pocket. The Examiner concludes that it would have been obvious to position the top opening of the pocket so that it

extends immediately below at least two of the finger tips because this location allows a user to easily manipulate an object placed within the pocket.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

In general, three basic criteria must be satisfied in order to establish a *prima facie* case of obviousness (M.P.E.P. § 706.02(j)). First, the reference or combination of references must teach or suggest all of the claim limitations. Second, there must be a reasonable expectation of success. Third, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

The rejection fails to satisfy the first criterion of a *prima facie* showing of obviousness. Eichelbaum does not suggest all of the elements of the glove defined by claim 2. Based upon the arguments that were presented previously, it is clear that Eichelbaum does not teach the glove of amended claim 1. Claim 2 depends directly from amended claim 1 and therefore contains all of its limitations. Consequently, claim 2 is patentably distinct from the cited reference.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection under 35 U.S.C. § 103(a) of claim 2, and enter the allowance thereof.

The Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Eichelbaum in view of U.S. Patent No. 6,249,917 B1 to Vrissimdjis et al. ("Vrissimdjis"). The Examiner again asserts that Eichelbaum substantially discloses the claimed invention. The Examiner acknowledges that Eichelbaum does not teach a glove with a skirt extending laterally outward circumferentially around the wrist portion below the pocket. However, the Examiner contends that Vrissimdjis teaches a glove with a skirt 2 extending laterally outward circumferentially around the wrist portion, as illustrated in Figure 1. The Examiner maintains that this "skirt would prevent any debris from contacting the sleeve or torso of a wearer." The Examiner concludes that it would have been obvious to provide the glove of Eichelbaum with the skirt of Vrissimdjis to further protect a wearer from debris.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

The rejection fails to satisfy the first criterion of a prima facie showing of obviousness. Even the hypothetical combination of Eichelbaum and Vrissimdjis does not suggest

all of the elements of the glove defined by claim 4. Based upon the arguments that were presented previously, it is clear that Eichelbaum does not teach the glove of amended claim 1. Vrissimdjis does not cure this deficiency since it also fails to teach all of the limitations of amended claim 1. Vrissimdjis discloses a glove made of a resilient material comprising an essentially tubular sleeve portion 1 and a cuff portion 2, both of which have about the same wall thickness. A thinner wall portion 3 is located between sleeve portion 1 and cuff portion 2 and extends around the circumference of the glove. Cuff portion 2 can be folded outwardly back toward sleeve portion 1 by bending wall portion 3. Various embodiments of the glove are disclosed.

Neither Eichelbaum nor Vrissimdjis suggests a pocket that a) has a top opening that extends across the finger tips or b) envelops at least one of the fingers. Therefore, the combined teachings of Eichelbaum and Vrissimdjis do not render obvious the invention defined by amended claim 1. Claim 4 depends indirectly from amended claim 1 and therefore contains all of its limitations. Consequently, claim 4 is patentably distinct from the cited combination of references.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection under 35 U.S.C. § 103(a) of claim 4, and enter the allowance thereof.

The Examiner has rejected claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Eichelbaum in view of U.S. Patent No. 4,938,515 to Fazio ("Fazio"). The Examiner asserts that Eichelbaum substantially discloses the claimed invention, including the step of turning the glove inside out to envelop the pocket and the remaining item therein. The Examiner acknowledges that Eichelbaum does not teach an eating method including the steps of donning the glove, placing the food item in the pocket, grasping the food item with the hand while it remains in the pocket, exposing a portion of the food item at the top opening and eating a portion of the food item while the remainder of the food item remains in the pocket. In addition, the Examiner acknowledges that Eichelbaum does not teach "that the food item would be held within the pocket after turning the glove inside out." The Examiner maintains that Fazio discloses a device 10 that is worn on the hand and includes a pocket for receiving a food item 30. The Examiner contends that Figure 3 shows that a portion of food item 30 is exposed and the remainder of food item 30 is contained in the pocket formed by sides 16 and 20 while the user's hand is protected. Thus, the Examiner concludes that it would have been obvious to don the glove of Eichelbaum, place the food item in the pocket, grasp the food item with the hand while it remains in the pocket, expose a portion of the food item at the top opening and eat a portion of the food item while the remainder of the food item remains in the pocket because doing so allows a

user to protect his hand while eating, grip and protect the food item and ensure its clean and sanitary disposal.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

The rejection fails to satisfy the first criterion of a *prima facie* showing of obviousness. Even the hypothetical combination of Eichelbaum and Fazio does not suggest all of the steps of the methods of claims 5 and 6. Based upon the arguments that were presented previously, it is clear that Eichelbaum does not teach the glove of amended claim 1. Fazio does not cure this deficiency since it also fails to teach all of the limitations of amended claim 1. Fazio discloses a napkin 10 with a top layer 16 and a bottom layer 20. Slits 12 and 14 are disposed on either side of a user fold line 18 through the center of napkin 10. Furthermore, slits 12 and 14 have interiors that face fold line 18 and preferably extend only through top layer 16. At least two adult fingers can be inserted into each of slits 12 and 14.

Neither Eichelbaum nor Fazio suggests a pocket that

- a) has a top opening that extends across the finger tips or
- b) envelops at least one of the fingers. Therefore, the combined teachings of Eichelbaum and Fazio do not render obvious the invention defined by amended claim 1. As is apparent from their structures, method claims 5 and 6 are

completely dependent for their meanings upon the glove of amended claim 1, from which they indirectly depend. Consequently, claims 5 and 6 are patentably distinct from the cited combination of references.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection under 35 U.S.C. § 103(a) of claims 5 and 6, and enter the allowance thereof.

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Eichelbaum in view of Vrissimdjis and Fazio.

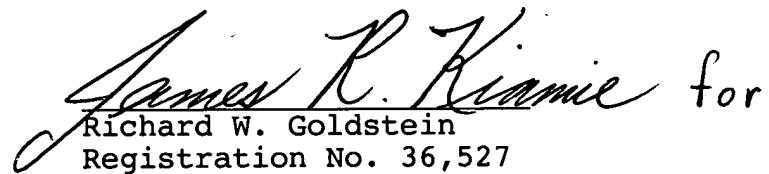
This rejection is respectfully but strenuously traversed for the reasons set forth in detail below.

The rejection fails to satisfy the first criterion of a prima facie showing of obviousness. Even the hypothetical combination of Eichelbaum, Vrissimdjis and Fazio does not suggest all of the elements of the method of claim 7. Based upon the arguments that were presented previously, it is clear that the combined teachings of Eichelbaum, Vrissimdjis and Fazio do not render obvious the method of claim 6. Claim 7 depends directly from claim 6 and therefore contains all of its limitations. Consequently, claim 7 is patentably distinct from the cited combination of references.

Reconsideration and withdrawal of the rejection are respectfully requested. Please remove the rejection under 35 U.S.C. § 103(a) of claim 7, and enter the allowance thereof.

In view of the foregoing amendments and remarks, reconsideration and allowance of the pending claims are respectfully solicited. Please remove the objections to the drawings and claim 5, and the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a), and enter the allowance of claims 1-7. The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted, Reg. No. 53,120

  
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